

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**- against -**

**KAREEF AUGUSTE,**

**Defendant.**

**14-CR-232**

**Memorandum and Order Explaining  
Sentence for Violation of Terms of  
Supervised Release**

**FILED**  
IN CLERK'S OFFICE  
U.S. DISTRICT COURT E.D.N.Y.  
★ **MAR 02 2016** ★  
**BROOKLYN OFFICE**

**JACK B. WEINSTEIN, Senior United States District Judge:**

On March 27, 2013 defendant Kareef Auguste was sentenced by Michael F. Urbanski, United States District Judge for the Western District of Virginia, to nine months of incarceration and three years of supervised release for his participation in a conspiracy to commit securities fraud. Violation of Supervised Release Report, Oct. 14, 2014 ("S.R. Report"), at 3. Jurisdiction over supervised release was transferred to this court on April 22, 2014. Transfer of Jurisdiction, ECF No. 2.

During his term of supervised release in the Eastern District of New York defendant was found guilty in the Southern District of New York of engaging in a conspiracy to commit bank fraud. Valerie Caproni, United States District Judge for the Southern District of New York, sentenced the defendant to 14 months of incarceration and three years of supervised release for that crime. Judgment in a Criminal Case, *United States v. Auguste*, No. 14-CR-317 (S.D.N.Y. Oct. 1, 2015), ECF No. 118. The defendant is currently incarcerated for that offense. Judge Caproni included as a condition of supervised release that defendant shall be supervised by the district in which he resides, namely Brooklyn. *Id.*

On February 22, 2016, defendant pled guilty to eight charges of violation of supervised release for the Virginia crime for which he was being supervised in the Eastern District of New York. The charges included the commission of many petty crimes arising from his drug dependency, failure to notify his probation officer within 72 hours of being arrested or questioned by a law enforcement officer, and use of drugs. *See* S.R. Report, at 4-8; Supplemental Violation Report; Hr'g Tr., Jan. 21, 2016 ("Jan. 21 Hr'g Tr."); Hr'g Tr., Feb. 22, 2016 ("Feb. 22 Hr'g Tr."). Evidentiary hearings were conducted in this court on January 21, 2016 and February 22, 2016. Two charged violations, for failure to maintain employment or enrollment in school and for providing false information to his probation officer, were dismissed on the government's motion. Second Supplemental Violation Report; Feb. 22 Hr'g Tr.

The Guidelines' ranges for the instant violations range from zero to 18 months of incarceration.

Ordered is a sentence of six months of incarceration on the Virginia sentence, to run concurrently with his present incarceration based on the sentence of the Southern District. The sentence for violation of probation in this court is reasonable in light of defendant's history of failure to comply with the requirements of his supervised release arising from his Virginia sentence. *See* Jan. 21 Hr'g Tr.; Feb. 22 Hr'g Tr. Supervised release arising from the Virginia conviction is terminated. The defendant is unimproved.

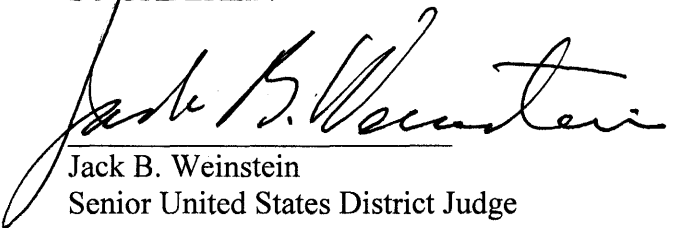
Supervision by the Southern District of New York in which defendant was last convicted is reasonable even though defendant will probably continue to reside within the Eastern District.

The court has consulted with Judge Caproni, the sentencing judge in the Southern District. She has agreed that for reasons of administrative efficiency the defendant's supervised

release as ordered by her shall be conducted by the Probation services of the Southern District of New York.

Supervised release arising from the conviction in the Southern District of New York shall be conducted by the Probation Service of that court. Prepare the necessary transfer papers.

SO ORDERED.



Jack B. Weinstein  
Senior United States District Judge

Dated: February 22, 2016  
Brooklyn, New York